

"Free people of a free country." Long may the Ukrainians remain so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, let me thank Senator THUNE for his remarks.

I would simply add that I hope we can all keep in our hearts the prospect that the Ukrainians might actually win this thing, given the success they have already seen, as long as they get adequate support from us and the world community.

### CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here for a rather different reason. It is to call on this Chamber yet again to wake up to the urgent threat of climate change.

I wish I was done with these "Time to Wake Up" speeches. Frankly, I wish I had never had to deliver a single one.

I wish Congress had dealt with this threat—for instance, back when another Senator from Rhode Island, Republican John Chafee, held hearings on the looming challenge of carbon dioxide pollution.

I wish we had dealt with it when the House, under Speaker PELOSI, passed the Waxman-Markey climate change bill, only for Majority Leader Harry Reid and President Barack Obama to kill it in a Democratic Senate with a filibuster-proof majority.

I wish the Citizens United decision hadn't allowed the fossil fuel industry to capture the Republican Party and kill the bipartisanship on climate that existed before that decision in this Chamber.

In my church growing up, there was a prayer about things we have left undone that we ought to have done. In that spirit, here is a graphic on carbon emissions we prepared in conjunction with the Biden White House that charts out where we are on this problem.

Green, this line here, is carbon emissions business as usual if we keep kowtowing to the fossil fuel industry here and don't take serious climate action.

Orange, this line, with quite significant emissions savings, is the Finance Committee's climate tax package. That is the effect just of that climate tax package if it comes into law.

Down here is a clean electricity standard. If you could put into law a national U.S. clean electricity standard, you could reduce emissions to this gray line.

If you were to combine the two, if you were to combine the Finance Committee tax package and the clean electricity standard, you push emissions down to this yellow line.

Look at the blue line. This upper blue line is the carbon savings from a modest price on carbon, one that we have discussed and negotiated with the White House—\$15 per ton in 2023, rising to \$70 per ton in 2032. Look at how pow-

erful the emissions effect is of that single intervention.

Now, this lowest one that reduces emissions the most, this is the safety pathway. This dark blue emissions line is all of those policies together. That is what they add up to. That is what we could be doing. We could be creating a pathway to safety.

As these emissions results show, a carbon price is the key policy to hit the 50-percent emissions reduction target we have and to get on a pathway to safety. Well, that is not happening right now.

So, while fossil fuel-funded Republicans block legislative action on climate, what could be done through executive action? Regulation. It is not a substitute for ambitious legislation, but it can make a big difference.

The EPA has more or less restored Obama-era fuel economy and greenhouse gas emission standards for cars and light trucks. It has a proposal to regulate methane leakage from oil and gas facilities. It restored an Obama-era rule limiting mercury and other toxic air pollutants from coal-fired powerplants. That is all good, but it is a return to the pre-Trump polluter status quo, not progress—not new progress.

Here is what EPA could still do:

Start with regulations for big, easily identified sources of greenhouse gases, not just coal-fired powerplants but point sources, including in the industrial sector, which generates more than one-fifth of total greenhouse gas emissions. We need a multipronged regulatory approach targeting all major classes of point sources.

We need stronger rules for mercury, coal ash, soot, and other pollutants. Public health demands this, and it is even more urgent in light of climate change.

EPA can update the Cross-State Air Pollution Rule and tighten National Ambient Air Quality Standards.

We need greenhouse gas emission standards for heavy-duty vehicles and for aviation. Focusing just on light-duty vehicles won't cut it.

Over at the Office of Management and Budget, they could finish an updated social cost of carbon and issue guidance requiring its use throughout—throughout—Agency decision-making. This is a big one. The social cost of carbon calculates the long-term damage from carbon pollution, and it should figure in permitting, leasing, grant-making, investments, international development assistance, trade agreements, and procurement.

A Trump judge—likely installed on the Federal Bench using fossil fuel dark money—just blocked the Obama-era social cost of carbon. While that is litigated, the administration is correctly pausing leases, permits, and other actions for greenhouse gas emitters.

At the Department of Interior, stop doling out leases to big polluters. The President promised to end new fossil fuel leases on public lands and waters,

so pause them while the social cost of carbon is litigated, and review them all to make sure that taxpayers are paid royalties that reflect the actual cost of fossil fuel production and combustion.

At the Department of Energy, update energy efficiency standards for light bulbs, washing machines, dryers, dishwashers, and all the electric appliances and products we use every day. There is low-hanging fruit there. I hear many of these rules are nearly ready but are held up in bureaucratic delay.

Get a move on.

The Department of Energy should also, along with the EPA and the Department of Agriculture, update the renewable fuel standards to ensure that renewable fuels actually generate considerable emissions reductions.

Here is another simple one: Federal procurement.

Update Federal acquisition regulations so Agencies price in the cost of emissions when they are buying products. Do that, and maybe we wouldn't wind up purchasing Postal Service delivery trucks with internal combustion engines no more efficient than their decades-old predecessors. Heck, we might even end up with clean, high-performing electric postal trucks. There is more to this regulatory list, but let me leave it there.

With legislation and regulation ought to come litigation. There are States, cities, counties across the country that have filed lawsuits against the fossil fuel industry based on local harm suffered as a result of climate change, and there is precedent for those at the Federal level.

In 1999, the Justice Department filed a civil lawsuit against Big Tobacco and its front groups, charging that they "engaged in and executed—and continue to engage in and execute—a massive 50-year scheme to defraud the public." That is the language in the Department of Justice's complaint.

Well, it went to trial, and a few years later, U.S. District Judge Gladys Kessler agreed. She found that the tobacco industry had "coordinated significant aspects of their public relations, scientific, legal, and marketing activity in furtherance of a shared objective—to . . . maximize industry profits by preserving and expanding the market for cigarettes through a scheme to deceive the public." That is the language in the decision, "a scheme to deceive."

So here is a useful exercise: Pop out the word "cigarettes" in that decision, and drop in "fossil fuel." Judge Kessler's finding in the tobacco case describes exactly what the fossil fuel industry has perpetrated: "coordinated significant aspects of their public relations, scientific, legal, and marketing activity in furtherance of a shared objective—to . . . maximize industry profits by preserving and expanding the market for fossil fuels through a scheme to deceive the public."

Nothing—nothing—prevents the Department of Justice from at least investigating whether to follow its own

successful blueprint; yet nothing has been done.

Progress will be easier on climate if we take on the fossil fuel-funded front groups that are armed to the teeth with dark money political weaponry. With proper countermeasures like exposure, we can help achieve victory on climate by exposing the rightwing, dark money groups fomenting and funding climate obstruction very likely as part of a scheme to deceive the public.

I will end with an example from a book I read recently about a ship that went down.

In September 1857, the S.S. *Central America*, which was known as the “Ship of Gold,” set sail from California to New York City with nearly 600 passengers and crew and 30,000 pounds of gold from the California Gold Rush. A few hundred miles off the Carolina coast, a hurricane hit the S.S. *Central America*. In the teeth of the gales, the passengers and crew did everything they could. Stewards and waiters and other staff were taken off their regular duties to fight the storm, to fight the flooding. Passengers were put into service to save the stricken ship. Heavy cargo was thrown overboard. In fact, divers are, right now, down, recovering the gold that was thrown overboard to save the ship. The ship itself—its doors and panels—were broken up to help block the sea out or were thrown overboard to lighten the stricken ship. At the end—at the end—passengers and crew were side by side, deep in the hold, shoulder deep in water, desperately pumping to save the ship.

The lesson here: The passengers and crew did everything they could, but at each step, they started too late. They ultimately took all the necessary measures, but each one—each one—they took too late, and the ship sank.

I fear that that is the analogy for our present predicament. Indolence in the face of known danger is a particularly stupid form of cowardice. It is made worse here by a fossil fuel industry that pays people to block our efforts to save the ship.

For the steamship the S.S. *Central America*, there was another boat that stood by in the storm to help rescue passengers, and out of the 600 men and women on that ship, a few dozen were saved. Us? We have no other planet standing by. This is our chance for this ship of ours, and it is time to wake up. It is time to take self-rescue seriously by every available means—and fast.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

#### ENERGY POLICIES

Mrs. CAPITO. Mr. President, I want to talk about gas prices.

The people in West Virginia woke up this morning, and according to AAA, the average gas price in West Virginia is \$4.12 per gallon. Some parts of the

country are paying—probably the part that is the Presiding Officer’s country—more than \$5 or even more than \$6 per gallon of regular gas. Just up the street here in Washington, DC, at the gas station close to the Senate office buildings, it is \$5.19 per gallon. We have surpassed the highest recorded average gas prices ever, and that is quite alarming. Unfortunately, this has been all too predictable given the Biden administration’s domestic energy policy actions.

On day one of his Presidency, President Biden managed to immediately kill thousands of union jobs and paralyze America’s energy industry with the Executive orders that killed the Keystone XL Pipeline. At peak capacity, this pipeline would have delivered 830,000 barrels of oil per day to American refineries. It is pretty similar to what we are importing from Russia.

The President put a moratorium on all new oil and gas leases on Federal lands, moving America from the energy superpower that we have been back to having an increased reliance on foreign adversaries for fuel feedstocks. These are countries that have much laxer environmental rules than we have or that we will ever have.

The administration has also been openly anti-pipeline and anti-fossil fuel with its rhetoric, through its actions, and embodied by the people it has elevated to unaccountable leadership roles. Two by name are Gina McCarthy and John Kerry. This administration has instituted regulatory uncertainty at a time of record inflation.

The administration wants to make a new definition of WOTUS, which is a rule otherwise known as the waters of the United States, to regulate every pond and ditch—even on private lands all across the country. This will devastate energy production as well as hurt sectors like agriculture and home building at a time when their products are already in high demand and under immense inflationary pressures.

The administration is considering new, tighter methane regulations that will also raise our energy costs, including for home heating and, as we move to the next season, for home cooling and electricity bills.

It is revising the NEPA permitting process by undoing the streamlining that was done during the Trump administration. NEPA touches almost every single infrastructure project in our country. Think about it. We just passed an enormous infrastructure package, but if you add more and more redtape onto these infrastructure projects that we have bipartisanly passed through here, you are going to add more and more costs for producers and more and more costs for everyday Americans. This regulatory uncertainty is increasing energy prices for Americans across the board and is felt most acutely at the gas pump because we can see it so clearly every time we fill up, and we see it posted at the stations.

You also have an Energy Department that is slow-walking the build-out of LNG export terminals, which means we can’t export much needed energy to our allies as efficiently as we could be.

Endless regulatory delay and environmental lawsuits, including on permits already issued, delay more than pipelines and kill more than jobs. We have one in West Virginia, the Mountain Valley Pipeline, that is working hard to complete the last 5 percent of the pipeline to move the product. They also crush our economy with inflation and leave us and our allies more susceptible to bad actors like Russia, Venezuela, and Iran.

We are seeing the importance of energy independence play out in realtime with the destruction—the horrifying destruction—in Ukraine. Because of the Biden administration’s policies that I just outlined, we are not able to immediately provide an energy backstop to our European allies that are trying to break their Russian oil and gas habit. They are begging for our coal as we speak. It is the perfect storm for a global energy crisis. It almost sounds cliché to say, as it has been said so often, but energy security is our national security. Specifically, fossil fuel security will help keep us secure nationally.

So what is the Biden administration doing?

We have seen reports that the administration is discussing a possible trip soon to Saudi Arabia to convince the Kingdom to produce more oil. Well, he has tried this—and, oh, by the way, they won’t even take the President’s phone calls.

We know the administration is considering easing sanctions on Venezuela so they will produce more oil.

Once again, President Biden opened the Strategic Petroleum Reserve, even though it didn’t work the last time, costs the taxpayer, and depletes our own stockpile that we created from the last oil crisis to be used when the United States faces another crisis. But incentivizing oil and gas production in our own country or letting it move forward? No.

So, according to the administration and its actions, Saudi and Venezuelan and OPEC oil is good, but American oil is bad. OK. Got it. Rather than encourage American oil production, this administration would like to line the pockets of the Saudis, Nicolas Maduro, and, yes, Vladimir Putin.

You cannot hinder American oil and gas production in the name of reducing emissions and then nudge countries like Saudi Arabia and Venezuela to produce more. Emissions are emissions, no matter where it comes from. Emissions are emissions when it comes to global climate change.

And while I know the climate czar John Kerry is disappointed that war in Ukraine is distracting people from climate change—as we see 2 million people leaving that beautiful country—I don’t see our European friends trying